

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 03 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RAIMUNDO MARTINEZ-OROSCO,

Defendant - Appellant.

No. 07-50526

D.C. No. CR-03-02601-JAH

MEMORANDUM^{*}

Appeal from the United States District Court
for the Southern District of California
John A. Houston, District Judge, Presiding

Submitted June 18, 2008^{**}

Before: REINHARDT, LEAVY, and CLIFTON, Circuit Judges.

Raimundo Martinez-Orosco appeals the sentence imposed upon the
revocation of his supervised release. Martinez-Orosco's contention that the

^{*} This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

supervised release regime is unconstitutional and that *United States v. Huerta-Pimental*, 445 F.3d 1220 (9th Cir. 2006), has been undermined by the Supreme Court's decision in *Cunningham v. California*, 549 U.S. 270 (2007), is foreclosed by our decision in *United States v. Santana*, 2008 WL 2178132 at *5 (9th Cir. May 27, 2008). *Huerta-Pimental* remains good law after *Cunningham*, and the revocation of Martinez-Orosco's supervised release and resulting imposition of his sentence did not violate his constitutionally protected right. *Id.*

AFFIRMED.